

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANCESCA VIOLA,

Plaintiff,

v.

JOSHUA BENTON AND PRESIDENT AND
FELLOWS OF HARVARD COLLEGE,

Defendant.

Civil Action No. 20-1349

**DECLARATION OF JOHN P. LAVELLE, JR., ESQ. IN SUPPORT OF MOTION TO
DISMISS OF DEFENDANT PRESIDENT AND FELLOWS OF HARVARD COLLEGE**

I, John P. Lavelle, Jr., Esq., declare, upon personal knowledge and under penalty of perjury, that the following is a true and correct:

1. I am an attorney with Morgan, Lewis & Bockius LLP, counsel for the Defendant President and Fellows of Harvard College (“Harvard”) in the above-captioned action. I make this declaration in support of Harvard’s Motion to Dismiss under Fed. R. Civ. P. 12(b)(2) and 12(b)(6).

2. Attached hereto as Exhibit A are true and correct copies of the “truthseeker” comments referenced in plaintiff’s complaint, last accessed on May 28, 2020, at <https://twitter.com/jbenton/status/992589175693115392>.

3. Attached hereto as Exhibit B is a true and correct copy of the publicly available biography of Professor Francesca Viola, last accessed on May 28, 2020, at <https://klein.temple.edu/faculty/francesca-viola>.

4. Attached hereto as Exhibit C is a true and correct copy of Temple University’s publicly available Mission Statement, last accessed on May 28, 2020, at <https://secretary.temple.edu/sites/secretary/files/policies/01.10.02.pdf>.

5. Attached hereto as Exhibit D is a true and correct copy of the Breitbart News Privacy Policy as of May 4, 2017, last accessed on May 28, 2020, at <https://web.archive.org/web/20170504041402/https://www.breitbart.com/privacy-policy>.

6. Attached hereto as Exhibit E is a true and correct copy of the Philadelphia Inquirer Privacy Policy as of December 28, 2017, last accessed on May 29, 2020, at https://web.archive.org/web/20171228000158/http://www.philly.com/philly/about/terms_of_use/442129623.html.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on May 29, 2020

By: /s/ John P. Lavelle, Jr.
John P. Lavelle, Jr.